

Express Mail No. EI985602710US
Attorney Docket No. 0383311-0089

Applicants: Mark A. Johanson
John Rice
Rickey Hart
James Nicholson

Serial No.:

For: **BONE ANCHOR AND DEPLOYMENT DEVICE THEREFOR**

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR 1.9 (F) AND 1.27 (D)) - SMALL BUSINESS CONCERN**

I hereby declare that I am:

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the
concern identified below:

NAME OF CONCERN Innovasive Devices, Inc.

ADDRESS OF CONCERN 734 Forest Street, Marlborough, MA 01752

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 37 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled BONE ANCHOR AND DEPLOYMENT DEVICE THEREFOR by the above named applicant described in

- ☒ the specification filed herewith
☐ application serial no.
☐ patent no. , issued

If the rights of the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor(s), who could not qualify as a small

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business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

FULL NAME _____

ADDRESS _____

() Individual () Small Business Concern () Nonprofit Organization

FULL NAME _____

ADDRESS _____

() Individual () Small Business Concern () Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING _____

TITLE OF PERSON _____

ADDRESS OF PERSON 734 Forest Street, Marlborough, Massachusetts

SIGNATURE _____ DATE _____

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

Check one:

- ☐ no such applications have been filed.
- ☐ such applications have been filed as follows

EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

Country	Application Number	Date of Filing (month,day,year)	Priority Claimed Under 35 USC 119
			<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
			<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
			<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
			<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
			<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>

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ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application. As to subject matter of this application which is common to my earlier United States application, if any, described below, I do not believe that the same was ever known or used in the United States before my invention thereof or patented or described in any printed publication in any country before my invention thereof or more than one year prior to said earlier application, or in public use or on sale in the United States more than one year prior to said earlier application, that the said common subject matter has not been patented or made the subject of an inventor's certificate issued before the date of said earlier application in any country foreign to the United States on an application, filed by me or my legal representatives or assigns more than twelve months prior to said application and that no application for patent or inventor's certificate on said subject matter has been filed by me or my representatives or assigns in any country foreign to the United States except those identified herein.

	(Filed)	(patented,pending, abandoned)
U.S. Application 08/595,772	2/2/96	pending
U.S. Application 08/814,149	3/10/97	pending
U.S. Application 08/163,130	12/6/93	patented
U.S. Application 08/765,445	9/25/91	patented
U.S. Application 08/588,025	9/25/90	abandoned

POWER OF ATTORNEY

As a named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

David J. Powsner	Reg. No. 31,868
Sam Pasternack	Reg. No. 29,576
Mary Rose Scozzafava	Reg. No. 36,268
Brenda H. Jarrell	Reg. No. 39,223
Mary Raynor Jimenez	Reg. No. 37,219

Send Correspondence to:

CHOATE, HALL & STEWART, Exchange Place, 53 State Street, Boston, MA 02109-2891

Direct Telephone Calls to: (name and telephone number)

David J. Powsner, Esq., Tel.: (617) 248-4030

Wherefore I petition that letters patent be granted to me for the invention or discovery described and claimed in the attached specification and claims, and hereby subscribe my name to said specification and claims and to the foregoing declaration, power of attorney, and this petition.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor	Mark A. Johanson
Inventor's signature	
Date	
Residence of first inventor	5 Harvest Lane, Littleton, Massachusetts
Citizenship	U.S.
Post Office address (if different)	same

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Full name of second inventor	John Rice
Inventor's signature	
Date	
Residence of second inventor	31 Red Rail Farm Lane, Lincoln, Massachusetts
Citizenship	U.S.
Post Office address (if different)	same

Full name of third inventor	Rickey Hart
Inventor's signature	
Date	
Residence of third inventor	11 Hillside Road, Plainville, Massachusetts
Citizenship	U.S.
Post Office address (if different)	same

Full name of fourth inventor	James Nicholson
Inventor's signature	
Date	
Residence of fourth inventor	14 Meadowdam Road, Lincoln, Massachusetts
Citizenship	U.S.
Post Office address (if different)	same

Do Not Record

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ASSIGNMENT

WHEREAS, we, Mark A. Johanson, 5 Harvest Lane, Littleton, Massachusetts, John Rice, 31 Red Rail Farm Lane, Lincoln, Massachusetts, Rickey Hart, 11 Hillside Road, Plainville, Massachusetts and James Nicholson, 14 Meadowdam Road, Lincoln, Massachusetts, having invented certain new and useful improvements in **BONE ANCHOR AND DEPLOYMENT DEVICE THEREFOR** for which we are making application for United States Letters Patent, said application filed herewith;

WHEREAS, Innovative Devices, Inc., a Massachusetts corporation, having a place of business at 734 Forest Street, Marlborough, Massachusetts, and its successors and assigns (collectively hereinafter called "ASSIGNEE"), is desirous of acquiring my entire right, title and interest in and to the invention, and in and to the said application and any Letters Patent that may issue thereon;

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, we do hereby sell assign and transfer unto said ASSIGNEE, its successors, assigns and legal representatives the full and exclusive right, title and interest in and to said invention and in and to said application and all patents which may be granted therefore, and all divisions, reissues, substitutions, continuations, continuations-in-part and extensions thereof; and we hereby authorize and request the Commissioner of Patents and Trademarks to issue all patents for said invention, or patents resulting therefrom, insofar as my interest is concerned, to the said ASSIGNEE of our entire right, title and interest.

We also hereby sell and assign to said ASSIGNEE, its successors, assigns and legal representatives the full and exclusive rights, title and interest to the invention disclosed in said application throughout the world, including the right to file applications and obtain patents, utility models, industrial models and designs for said invention in its own name throughout the world, including all rights of priority, all rights to publish cautionary notices reserving ownership of said invention, and all rights to register said invention in appropriate registries; and we further agree to execute any and all powers of attorney, applications, assignments, declarations, affidavits, and any other papers in connection therewith necessary to perfect such rights, title and interest in ASSIGNEE, its successors, assigns and legal representatives.

We hereby further agree that we will communicate to said ASSIGNEE, or to its successors, assigns and legal representative, any facts known to us respecting any improvements; and, at the expense of said ASSIGNEE, to testify in any legal proceedings, sign all lawful papers, execute all divisional, continuation, continuation-in-part, reissue and substitute applications, make all lawful oaths, and generally do everything possible to vest

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title in said ASSIGNEE and to aid said ASSIGNEE, its successors, assigns and legal representatives to obtain and enforce proper protection for said invention in all countries.

IN WITNESS WHEREOF, I hereto set my hand and seal at _____,

_____ this _____ day of _____, 19____.

Mark A. Johanson

STATE OF _____

SS.

COUNTY OF _____

Before me this _____ day of _____, 19____, personally appeared **MARK A. JOHANSON**, known to me to be the person whose name is subscribed to the foregoing Assignment and acknowledged that he executed the same as his free act and deed for the purposes therein contained.

NOTARY PUBLIC

[Notary's Seal Here]

My Commission Expires:

IN WITNESS WHEREOF, I hereto set my hand and seal at _____,

_____ this _____ day of _____, 19____.

John Rice

STATE OF _____

SS.

COUNTY OF _____

Before me this _____ day of _____, 19____, personally appeared **JOHN RICE** known to me to be the person whose name is subscribed to the foregoing Assignment and acknowledged that he executed the same as his free act and deed for the purposes therein contained.

NOTARY PUBLIC

[Notary's Seal Here]

My Commission Expires:

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IN WITNESS WHEREOF, I hereto set my hand and seal at _____,

_____ this _____ day of _____, 19____.

Rickey Hart

STATE OF _____

SS.

COUNTY OF _____

Before me this _____ day of _____, 19____, personally appeared **RICKEY HART** known to me to be the person whose name is subscribed to the foregoing Assignment and acknowledged that he executed the same as his free act and deed for the purposes therein contained.

NOTARY PUBLIC

[Notary's Seal Here]

My Commission Expires:

IN WITNESS WHEREOF, I hereto set my hand and seal at _____,

_____ this _____ day of _____, 19____.

James Nicholson

STATE OF _____

SS.

COUNTY OF _____

Before me this _____ day of _____, 19____, personally appeared **JAMES NICHOLSON**, known to me to be the person whose name is subscribed to the foregoing Assignment and acknowledged that he executed the same as his free act and deed for the purposes therein contained.

NOTARY PUBLIC

[Notary's Seal Here]

My Commission Expires: